

REMARKS

Claims 1 to 6 are in the application wherein claims 4 to 6 have been withdrawn as being for a non-elected invention; claims 1 and 2 are rejected; and claim 3 is recognized as containing allowable subject matter but is objected to as depending from rejected claims.

By this Preliminary Amendment, which is filed pursuant to the filing of the instant Request for Continued Examination (RCE), claim 1 is amended; claims 2 and 3 are canceled and rewritten as new claims 7 and 8. Consequently, it is submitted, first, that claims 7 and 8, which incorporate the essential subject matter of claims 1 and 3, as combined, and claim 8 which is a restatement of claim 2 depending from new claim 7, are patentable for the reason claim 3 was held patentable in the previous Office Action.

As regards the rejection of claim 1 under 35 U.S.C. §102(b) or, alternatively, under 35 U.S.C. §103(a) as being anticipated by, or unpatentable over, Tezuka, et al., and further as regards the rejection of claim 1 as being unpatentable under 35 U.S.C. 103(a) over Tezuka, et al. in view of Osborne, or over Potter, et al. in view of any one of Kasman, Dutetre, et al., Kishimoto, WO 91/07504, JP5-168459 or GB 22611 it is submitted that none of these rejections are well taken against claim 1 as herein amended. Particularly, as now amended, claim 1 requires that the heating block (3 in the application drawing) and the cooling block 4 are separate members and further that the connecting plate 15 is separate from these members and operates to attach the heating block 3 with respect to the cooling block 4.

The foregoing is as contrasted with the cited references wherein Tezuka, et al. does not have a connecting plate connecting the heating block and cooling block and being a separate member from

the respective blocks, and Potter, et al. has neither a heating block containing a receptacle for receiving a sample holder nor a connecting plate connecting the heating block to the cooling block. Furthermore, none of the subordinate references are effective to cure the defects in the foregoing patents as anticipations of the invention recited in claim 1 as amended hereof because Osborne only shows adhesive layers bonding an insulator between a heating layer and a substrate; Kasman shows no cooling block, but only shows a block 16 with wells 32 and means for heating i.e., 11, 12, 14a and 14b no cooling device; Dutertre, et al. shows cylindrical tubes 12 inserted into passages, the walls of which are heated by an external source, but no suggestion of a connecting plate positioned between and attaching heating block with cooling block; Kishimoto shows a metal block 11 with heat conducting pipes 16, and insulating material which operates as a heater via the heating elements 12a connected between and attaching the heated metal block to the cooling apparatus 40; W0 91/07504 fails to show a connecting plate which connects block 12 for containing sample tubes to coolers 24 having lower conductivity than the block 12 and coolers 24; JP5-168459 contains no showing of a connecting plate having lower conductivity between block 3 and cooler 2; and GB 2261111 has no connecting plate attaching the heating block 6 to cooling block 10.

For the foregoing reasons, therefore it is submitted that the claimed invention distinguishes over the reference devices so that all of the claims now in the application are patentable over the references and should be allowed. The Examiner is accordingly respectfully requested to favorably consider this Preliminary Amendment and to allow the application.

09/869,325

In the event that any fees are due in connection with this paper, please charge our Deposit
Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



John F. Carney
Attorney for Applicant
Reg. No. 20,276

JFC/cmp
Atty. Docket No. **010919**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

H:\FLOATERS\UFC\01\010919\preliminary amendment